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**VIA ECF**

May 6, 2008

Honorable Denny Chin  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

**Re: Wright v. Brae Burn Country Club (08CV3172)(SDNY)(DC)**

Dear Judge Chin,

I am plaintiff's counsel in the above referenced proceeding. On 05/06/08, I filed a letter motion to strike defendant's motion to dismiss the Complaint as noncompliant with Your Honor's Individual Practices ("Practices"). The basis for the request was set forth in that letter. See Docket #9.

Defendant subsequently filed a reply to my letter motion. See Docket #10. Therein, defendant indicated in relevant part that "If a pre-motion conference is, in fact, required, Defendant respectfully requests that Your Honor either: (1) waive the conference and allow the motion to stand; or (2) hold a conference and allow Defendant to re-file the motion to dismiss, without prejudice."

Defendant's request is objectionable for several reasons. First, it still is noncompliant with Your Practices to the extent that no basis for the contemplated motion is stated therein. As you are no doubt aware, Your Practices, at paragraph 2(A), indicate in relevant part "To arrange a pre-motion conference, the moving party shall submit a letter, not to exceed three pages in length, **setting forth the basis for the anticipated motion.**" (emphasis added).

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Second, the letter requesting a pre-motion conference was due by 05/05/08. It is therefore untimely. As such, I ask that it be stricken, and defendant adjudged in default pursuant to Fed. R. Civ. P. 55.

I trust that my request will be given due consideration. Thank you in advance.

Respectfully yours,

David C. Wims, Esq. (DW-6964)

Cc: Peter Panken, Esq. (via ECF)  
Tracey Cullen, Esq. (via ECF)